



Maryland

Department of the Environment

Wes Moore, Governor
Aruna Miller, Lt. Governor

Serena McIlwain, Secretary
Suzanne E. Dorsey, Deputy Secretary

Jul 20, 2023

Mr. Willie Wainer, Acting Director
Department of Environmental Protection (DEP)
Montgomery County Government
2425 Reddie Drive
Wheaton, MD 20902

Dear Mr. Wainer:

This letter acknowledges the Maryland Department of the Environment's (Department) receipt of Montgomery County's 2022 Financial Assurance Plan (FAP) as required by the Annotated Code of Maryland. This FAP submission includes information on the cost of compliance with the impervious surface restoration plan (ISRP) requirements outlined in the County's National Pollutant Discharge Elimination System (NPDES) Phase I Municipal Separate Storm Sewer System (MS4) permit.

The ISRP, when sufficiently funded, is essential for restoring local water quality and the Chesapeake Bay, and providing climate resiliency in the County's watersheds. The FAPs are sufficient if they demonstrate that the County has the dedicated revenues, funds, or sources of funds to meet, for the 2-year period immediately following the filing date of the FAP, 100% of the projected costs of compliance with the ISRP requirements of the County's MS4 permit.

After reviewing the County's 2022 FAP, the Department has determined that the County has demonstrated that it has sufficient funding in its FAP. The Department has provided more detailed comments in an attachment for the County's information and use. The County's next FAP will be due in coordination with the 2024 MS4 Annual Report.

The Department recognizes the substantial effort required in developing these FAPs, and looks forward to working with the County on this very important environmental program for improving water quality, stormwater management, and climate resiliency. If you have any questions regarding this review, please contact me at 410-537-3567 or Jennifer M. Smith at 410-537-3561, or jenniferm.smith@maryland.gov.

Sincerely,


D. Lee Currey (Jul 20, 2023 18:36 EDT)

D. Lee Currey
Director, Water and Science Administration

cc: Jennifer M. Smith, P.E., Program Manager, Stormwater, Dam Safety, and Flood Management Program
Amy Stevens, Manager, Monitoring Section, Montgomery County DEP

Attachment

**Maryland Department of the Environment's (MDE) Review of
Montgomery County's 2022 Financial Assurance Plan (FAP)**

Plan Condition	MDE Assessment and Recommendations
Demonstration of Sufficient Funding	<ul style="list-style-type: none"> • Montgomery County submitted a draft of its FAP on December 23, 2022. • A public hearing was held on February 28, 2023. On March 14, 2023, the County Council recommended that the FAP be approved, and the County Executive signed a Certification on April 3, 2023. • The FAP demonstrated sufficient funding for the projected Impervious Surface Restoration Plan (ISRP) costs for the next two-year period (i.e., FY2023-FY2024).
Actions to Meet Permit Requirements	<ul style="list-style-type: none"> • The plan included an Executive Summary. • The "All Actions" worksheet included BMPs and associated costs for FY2023 to FY2026. • For the next two years (FY2023-FY2024), the County showed 324 acres of new restoration. There are no continued obligations from the previous permit term to report in the FAP.
Annual and Projected Costs	<ul style="list-style-type: none"> • The "All Actions" worksheet indicated that projected cost for new restoration to be implemented over the next two fiscal years (FY2023-FY2024) is \$32.1 million. • In the "ISRP Cost" worksheet, costs were reported through FY2027, and the cost for the next two years is \$98.5 million.
Annual and Projected Revenues	<ul style="list-style-type: none"> • The "ISRP Revenue" worksheet included projected revenues through FY2027. • The County reported that revenue for FY2023 and FY2024 (\$98.5 million) is equal to the projected ISRP costs (\$98.5 million).
Funding Sources	<ul style="list-style-type: none"> • In the "Fund Sources" worksheet, fund sources were projected through FY2027. • Sources of funds for the next two years included: <ul style="list-style-type: none"> ○ Stormwater Remediation Fee = \$87.1 million ○ Revenue Bonds = \$18.8 million ○ State Revolving Loan Fund = \$17.7 million ○ Bag Tax Revenue = \$5.0 million ○ State Grants = \$4.1 million ○ Tree Canopy Fees = \$1.5 million ○ Investment Income = \$1.0 million ○ Stormwater Waiver Fees = \$0.8 million ○ BMP Monitor Fees = \$0.2 million ○ Total Funding Sources = \$136.2 million
Specific Actions and Expenditures from Previous Fiscal Years	<ul style="list-style-type: none"> • The Completed Actions worksheet included BMPs and expenditures for 1,067 acres of restoration completed between FY2019 through FY2022.